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THE RANDOLPH MANUSCRIPT.

VIRGINIA SEVENTEENTH CENTURY RECORDS.

From the Original in the Collection of the Virginia Historical Society.

(CONTINUED)

MEMORANDA FROM VIRGINIA RECORDS, 1688-90.

May 3, 1688. Several of the 5 Nations taken Prisoners by the French at Canada and ed [sic] by King James 2, they having Submitted to his Government and thereby became Subjects.

May 12, 1688. Council advise the Governor to dissolve the Assembly then sitting for refusing to repeal the Act against Planting after the last of June.¹

¹ By Act VII, October, 1686, the Assembly had directed that no tobacco be planted or replanted after the 1st of June, under penalty of a fine of 10,000 pounds of tobacco. (*Hening*, IV, 35.) At the session of September, 1696, this act was repealed. (*Ib.*, 142.)

Governor and Council supplicate his Majesty to Signify what fee should be allowed to the Governor upon the Seal.²

October 18, 1688. Colo. John Armistead³ sworn of the Council.

Lord Howard informed the Board that Colo. Charles Scarborough,⁴ among other discourses said to him that his Majesty wou'd wear out the Church of England and upon his Lordship's asking how he said when there is any Vacancy he fills up the Place with Men of another Persuasion for which he reproved him, for what Major Scarborough was Ordered to appear the 2d day of next Court to answer what shall be objected against him.

The Order about N. Kent Court revoked.

² Effingham had excited a great discontent in Virginia by fixing what was regarded as an illegal and exorbitant fee for the use of the seal. It was claimed that he was getting from the country 100,000 pounds of tobacco per annum by extraordinary fees and perquisites. This was one of the grievances which the House of Burgesses sent Philip Ludwell to England to present to the throne. (See Campbell's *Virginia*, 342).

³ Col John Armistead, son of William Armistead the emigrant, settled in Gloucester county. In 1680 he was lieutenant colonel of horse there and was one of the justices. On October 18, 1688, he was sworn a member of the Council. He married Judith ———, and was living in 1697.

⁴ This entry shows how widespread was the discontent with the government of James II. Col. Charles Scarborough, of Accomac county, was son of Col. Edmund Scarborough, long a leading figure on the Eastern Shore of Virginia, and nephew of the distinguished English physician, Sir Charles Scarborough (see this Magazine, IV, 316-318). He received a number of large grants of land, was arrested during Bacon's Rebellion for "uttering divers slanderous and mutinous words" in regard to Governor Berkeley, but escaped with a fine of £40 sterling; was a member of the House of Burgesses for Accomac at the session of June, 1680; April, 1684; April, 1688; April, 1691, and April, 1692 (*Colonial Virginia Register*, and *Va. Mag. of Hist. and Biog.*, X, 237; XIII, 94; XV, 320, 438). His opposition to King James evidently did not hurt him with the government of William and Mary, for in 1691 he was appointed to the Council, and in 1692 was Collector of the Eastern Shore, Naval Officer of the same, Commander-in-Chief of Accomac and presiding justice of that county. He died about 1703. He probably married more than once; but one of his wives was a daughter of Governor Richard Bennett.

They Order the Old Seal which was small to be used until Parchment and Wax can be provided fit for the New One.

Nath'l Bacon⁵ being first in the List of the Council, named President tho' Spencer still Living which Bacon seemed to decline.

King William by his Letter dated 21 Feb., 1688, Commands the Old Seal to be made use of till he should Order another.

Lord Howard writes to the Governor fo North Carolina Complaining that some Officers of his Government had taken the goods of sundry Inhabitants of this Colony by distress towards defraying the Charge of that Government under pretence that their Lands which were granted to them by the King were within their Bounds and desiring that they be not hereafter disturbed.

April 16, 1689. Nath'l Bacon sits in Council President. Scarburgh appears and says he told the Lord Howard he heard another Person speak the words charged thereupon. So this prosecution is remitted and he discharged from his bond.

April 20. President and Council upon the Petition of Robert Thomas complaining that the County Court of Isle of Wight had made several Orders against him in the time of his Sickness and Executions issued on those Orders, order that the Clerk transcribe all those Orders and return them to the General Court.

John Waugh,⁶ Clerk. Berr [Burr] Harrison and John West ordered to be taken into Custody by the Sherif of Stafford

⁵ Nathaniel Bacon (1620-1692), of York county, Va., son of Rev. James Bacon, Rector of Burgate, Suffolk, Eng., and grandson of Sir James Bacon, of Friston Hall, came to Virginia about 1650, was several times in the House of Burgesses, appointed to the Council, 1660, Auditor General, 1675-1687, President of the Council, and, as such, acting Governor in 1689. He married Elizabeth, daughter of Richard Kingsmill, but had no issue. See a notice of his life and family in this Magazine, II, 125-129.

⁶ Rev. John Waugh was for many years minister of a parish in Stafford county, where he was living as early as 1666. At the time of the depo-

and convey'd on board the King's Ketch the Deptford Capt. Berry Com'r that they may with better Security be removed to Nominy there to be Examin'd by Secretary Spencer and Rich'd Lee Esq'r touching a Commotion raised by them and Spreading abroad a Rumour that the Papists and Indians had made a Plot to cut the throats of the Protestants and if they found Cause to transport them to Northampton—or otherwise to take Bond for their Appearance on the 4th day of the next General Court. And George Mason⁷ being suspected to have countenanced these Factious reports turn'd out of the Commission of Peace and removed from his Command in the Militia. Other People take Arms in the upper parts of Rapahannock on Account of the same Plot to defend themselves against Indians and Papists and 3 of the Council dispatched to take them and Examine them. A Committee of 3 Councillors appointed to meet in Cases requiring a speedy Meeting of the Council.

sition of James II, Virginia, like England, was agitated by rumors of "Popish plots." John Waugh greatly inflamed the people of Stafford by his harangues on this subject. Mr. Waugh was elected to the House of Burgesses for the session of April, 1699, but was declared ineligible as a clergyman. He died in 1706, leaving a widow, Christian, and sons Joseph, John, Alexander and David. See *William and Mary Quarterly*, XV, 190, 191; XVII, 68, 69.

John West was at one time clerk of Stafford county, and was ancestor of the Wests of Loudoun, Fairfax, &c. (*William and Mary Quarterly*, X, 68, 69; *Richmond Critic* III, 47; though the earlier generations in the *Critic* genealogy are incorrect.) Burr Harrison was son of Cuthbert Harrison, and was baptized at St. Margaret's, Westminster, December 28, 1637. He emigrated to Virginia and was a prominent man in Stafford county. He was ancestor of the Harrisons of Northern Virginia.

⁷ Col. George Mason, of Stafford county, second of the name, was, like his father, County Lieutenant of Stafford, and was a Burgess for that county at the sessions of April, 1688; April, 1691; October, 1693; April, 1695; September, 1696; April and October, 1697; September, 1698; April, 1699; August, 1701, and May and June, 1702. (*Va. Mag. of Hist. and Biog.*, XIII, 94; XV, 439, 441, 442; *Colonial Virginia Register*.) He married three times, and died in 1716. The eminent George Mason of the Revolutionary period was his grandson. See Miss Rowland's *George Mason*, I, 16-39, 373-375.

April 26, 1689. President and Council appoint the 23 of May following for Proclaiming King Wm. and Queen Mary^a.

April 30. President and Council suspend the Judgments and Executions against Robert Thomas and Order the whole Affair to be settled and the matter refered back to Isle of Wight and Colo. Lear ordered to be present.

Edward Davis,^a Lionel Delewafer and John Hinson were by Cap. Simon Row Commander of his Majesty's Ship Dun seized

^a In Virginia the old loyalty to the Stuarts was dead, and nowhere was the accession of William and Mary more heartily welcomed. Williamsburg, William and Mary College, King William, King and Queen and Orange counties are memorials of Virginia's regard for her new rulers. Throughout the colony, at Jamestown and at the county courthouses, they were proclaimed amid great rejoicing. An extract from the records of Henrico will give an example:

"A meeting held at Varina, May 23d, 1689."

Present the commissioned officers of the county, civil and military, the settled militia thereof and other inhabitants.

This day "Theire Royall Ma'sies William and Mary" were proclaimed, which proclamation was made with "firing of guns, beat of drum, sound of trumpet and ye universall Shouts and Huzzahs of ye people assembled."

At the same time the following were recorded and doubtless read to the people:

(1) Order of Council, April 26, 1689. Present: Nat. Bacon, Esq., President; Nicholas Spencer, Esq., Sect.; Col. Wm. Cole, Col. Richard Lee, Col. John Custis, Col. John Page, Col. Wm. Byrd, Col. John Lear, Col. Christopher Wormeley, Col. Isaac Allerton and Col. John Armistead, with notice of the proclamation at James City.

(2) Proclamation for Virginia from the Royal Council.

(3) Proclamation by the King and Queen.

^a These three pirates were probably entitled to the benefits of the royal proclamation, but they had too many valuable possessions for the freebooting naval officers of the time to let them off lightly. They were taken to England, and on March 10, 1691-2, the Privy Council ordered their release and pardon on condition (a condition proposed by the pirates) that £300 of their money then in England, and one-fourth of what was in the hands of one Captain Rowe, should be given to William and Mary College about to be chartered. This "deal" was the handiwork of that shrewd Scotchman, Rev. Dr. James Blair. See the order of the Privy Council, *William and Mary Quarterly*, VII, 165.

and Secured at the Mouth of James River, 1688, upon suspicion of being Pirates having a Considerable Quantity of Plate and Money with some other things according to an Inventory thereof taken, and were brought before the Governor (Lord Howard) then in Council and upon their Examination they declared they had been trading and had come from Bermudas to Pensylvania, from Pensylvania to Maryland and from Maryland in a Shallop down the Bay with Intention to go to Lynhaven in this Colony there to set themselves down and Produced Passes under the hand of two Justices of Peace in those Provinces. The Governor suspected the Plate, Money & Goods to be piratical, therefore secured them and Committed the Persons to James City Goal there to remain till the Matter be represented unto his Majesty and his Majesty's Pleasure: But the 16 of August these Persons Petitioned the Governor and pray'd the Benefit of the King's Proclamation for the more Effectual reducing Pirates and Privateers upon which they affirmed they came in and the Proclamation being Published the 6 of August they apprehended themselves to be within it. The Governor told them the matter lay before the King and that he could not proceed until his Majesty's Pleasure signified. On the 18 of April they again Petitioned the President and Council setting forth their whole case and praying to be enlarged and their Plate &c restored, upon which the Council advised and for answer returned that his Majesty by the Lord Sunderland's Letter was pleased to Signifie that they or any other persons who shall be apprehended for Piracy be prosecuted according to Law at such time & in such Manner as Sir Robert Holmes or his Agent shall desire And Capt. Berry being Sir Robert's Deputy was to be acquainted with the Petition before any Proceeding could be had they Petition'd again the 23 April to which the Council answered that Capt. Berry was expected soon in Town and it was necessary to know what Orders he had received from Sir Robert Holmes and Capt. Berry was afterwards acquainted with this Petition and he answered that according to his direction from Sir Robert he could not Proceed to trial until the Plate &c. were deliver'd to him. Which con-

sidered by the Council they were of Opinion it was not consistent with the Present Case that the Money &c. should be removed until the Case was fully heard and determined. The 29 April they petition again to the same Effect as before upon which the Council resolve that as they came in Voluntarily and Capt. Berry refused to proceed to trial of them that the Money should remain where it was lodged by his Excellency and that they giving Security for their good Behaviour should be permitted to take a Voyage to England in Order to receive his Majesty's Pardon or be proceeded Against according to Law and they are allowed 30£ apiece out of their Money to defray their Charges and Wm. Edwards, Clerk of Council ordered to take out of the Chest in presence of Ralph Wormeley and Christopher Wormeley Esq's and ordered that a further sum be paid out of it to Geo. Marable and another to Nich Spencer.

President Bacon, 18 October, 1689, appoints Wm. Cole,¹⁰ Secretary in the Room of Nich. Spencer then lately deceased according to the form of other Commission for that Office and gives him a power to appoint County Court's Clerks.

Duke of Shrewsbury by his Letter dated February 15th, 1689, Notifies to the Governor of Virginia the Preparations which were making for a speedy War with France and that his Majesty intended to send forth a considerable Squadron of Ships into the West Indies for Securing the Plantations and directs the Governor to put every thing within his Government in a Posture of Defence and Opposing any Attempt of the French upon his Majesty's Colony of Virginia and by another 19 April acquaints him that War was declar'd against France.

At the Court at Hampton Court, 9 September, 1689, the King makes an Order in Council to this Effect:

¹⁰ Col. William Cole (1638-1694), of Warwick county, was appointed to the Council March 1, 1674-5, and Secretary of State in 1689. In 1680 he was commander-in-chief of Warwick county. His tomb, with his arms, remains at "Bolthorpe" or "Boldrop," Warwick county. He has many descendants.

Upon Reading a Report of the Right Hon'ble Lords of the Committee for Trade and forreign Plantations that in Obedience to his Majesty's commands of the 18 of March they had considered the Petition of Philip Ludwell¹¹ with the Address of the House of Burgesses in Virginia to late King James 2d touching several Matters which with their Opinions are as follows:

1st. Whereas, a Proclamation had been issued in Virginia by the Lord Howard Governor in chief in pursuance of Instructions from his late Majesty King Cha. 2. declaring an Act Passed in Virginia November, 1682,¹² for repealing the 6th Act of Assembly made in June, 1680, about Attorneys to be void and thereby reviving the said Act of June, 1680, The House of Burgesses conceive the said Proclamation unwarrantable and of ill consequence and therefore pray the same be made void. The Lordships consulted the Attorney and Solicitor General who reported their Opinion that the Act of 1680 by the King's disallowing the Act of Repeal was revived. Yet in as much as the said Act of Assembly is represented as inconvenient and prejudicial to that Colony they humbly offer their Opinion that the same be repealed.

2dly. Whereas, they complain that a fee of 200l. of Tobacco and Cash lately received by the Lord Howard for the use of

¹¹ At a session held in the fall of 1688 the House of Burgesses sent Philip Ludwell to England to lay the grievances of the country before the King. This was done on March 28, 1689, and after some consideration a decision was rendered by the English Government which was, in the main, favorable to the petition. For a notice of Philip Ludwell see this Magazine, I, 174-178.

¹² Chapter VI of the Acts of the Virginia Assembly, session of June, 1680, was "An Act imposing and ascertaining attorney's fees," (*Hening* II, 475). By Chapter VI, of the Acts of November, 1682 (*Hening* II, 498), the former act was repealed. Lord Howard issued a proclamation in pursuance to instructions from England, repealing the act of 1682, and held that this revived the act of 1680. The House of Burgesses protested against this construction, but on September 9, 1689, the English Privy Council sustained it. That body, however, advised the King to declare the 1680 act void by a later proclamation.

the Seal¹⁸ they find that that fee upon complaint thereof was not disallowed or thought unreasonable by the Council of Virginia. Yet in as much as the same had not been Established by the said Council as by the Lord Howard's Commission is requisite and the same being also represented as burdensome and uneasy to the Colony they Offer their Opinion that it be discontinued as also the fee of 30l. Tobacco demanded by the Secretary of that Colony for recording Surveys of Lands. But as to the fee of five Pounds Sterling received by every Escheator for every Office found whereof Complaint is also made they are of Opinion that the same is Legal and fit to be continued as being an Antient and Customary fee and paid only by such as receive a considerable benefit thereby.

Lastly, as to the Complaint made that the fines and Forfeitures in Virginia are not applyed to such Purposes as by the said Representation is particularly set forth and desire. They represent that the said Fines and Forfeitures having by Letters Patents being granted by King Charles 2d to the Lord Culpeper and others were repurchased by the late King for Divers considerable sums of Money actually paid to the said Lord Culpeper and a further Pension of 600*l* per annum payable for 21 Years and now Charged upon the Establishment of his Majesty's Army so that the said Fines and forfeitures are become wholly at the Disposal of the Crown as they were before the Purchase of the Property of the said Patentees. Yet upon Examination they find that since the said Purchase no part of the said Revenue has been employed or disposed of otherwise than for the better support of the Government of Virginia to which use they are of Opinion it may be applied in such Manner as his Majesty should direct from time to time and not otherwise, the same being not in any manner appropriated to any Particular use or purpose which report his Majesty approved.

October 23, 1689. Davis, Delawafer, and Hinton petition

¹⁸ Reference has been made in Note 2 to the discontent caused by Effingham's new fees.

for their Effects but refused till his Majesty's Pleasure's known.

Eliza Lewis convicted for the Murder of a Bastard Child upon the Stat. 21 Jac 1, and Sentenced to dye, petitions for Mercy Affirming the Child was born dead—and is reprieved till the 4th day of the next General Court.

John Waugh, Clerk, being Summoned to make his Appearance the 4th day of this general Court and therein failed and this Board being informed that he Stirs up the People in Stafford to Sedition by his Sermons he is forbid to preach either Publickly or Privately untill he appear before Colo. Lee and Allerton, two of the Council, and give them such Satisfaction as they shall approve.

The Council gave Judgment against the Executors of Secretary Spencer that they pay [Wm.] Edwards,¹⁴ Clerk of the General Court 5000^l Tobacco for half a Year's Salary due to him from Secretary Spencer.

Davis &c. allowed 20^l more out their Money a Chest of Medicines Chirurgion's Instruments. King Wm. by his Letter dated 14 November, 1689, appoints Francis Nicholson Esqr. Lieut. Governor of Virginia.

And 2d of January, 1689, gives him instruction to repair to his Government and to Communicate his Commission to the Council and after Administration of the Oaths (to be taken by him) by the President and Council to take upon him the Government of Virginia until the Arrival of the Governor in Chief pursuant to himself and to himself 500^l per Ann. from the Date of his Commission till his Arrival and afterward 1000^l per Ann. out of the Revenue of 2s. per Hhd. on Tobacco.

January 16, 1689. Colo. Hill¹⁵ raises 50 Armed Men to go in search for Gold mines without Silence, summon'd to appear

¹⁴ William Edwards, of Surry county, Clerk of the Council. He died in 1698. For an account of the family to which he belonged see *William and Mary Quarterly*, XV, 79-83, 195-197.

¹⁵ Col. Edward Hill, of "Shirley," Charley City county, Speaker, Treasurer, Councillor, &c., and long one of the leading men of Virginia. For a notice of him see this Magazine, III, 156-159.

before the Council on the 4th day of next General Court to answer for his high Contempt.

Two Justices of Nancemond Ordered to appear before the President and Council on the third day of Next General Court to Shew cause why that Court of that County refused Thomas Tilly an Appeal.

The Persons who Murdered Mr. Payne in Maryland apprehended and Committed till his Majesty's Pleasure should be known.

A Negro ordered to be whipt.

One Middleton for calling Capt. Hack¹⁶ a Papist Son of a ——— and a Papist Son of a ——— ordered to give Bond for his Good Behaviour and suspended from keeping Ordinary.

An Order for Collecting the Library given by the Bishop of London dispersed in Several hands the Council order the Court of Surry to adjudge a Negro Woman and Child of Nich. Merewether—tho three Months be expired she having been Sick after the Court had refused.¹⁷

King Wm. and Queen Mary by Patent dated the 17 January 1st of their Reign appoint Wm. Cole Secretary in as large and ample Manner as Secretary Spencer held it.

And by Petition of Doctor Payne being informed that his Brother John Payne Collector of the Customs in Maryland was barbarously murdered in the Execution of his Office by several Confederates with Major Seawell, late Deputy Governor Comands the Governor if any of the Malefactors be found there they be apprehended and if the Fact was committed they should

¹⁶ "Captain Hack" was probably Peter Hack, of Northumberland county—a captain and afterwards colonel of the militia of that county and a member of the House of Burgesses. For a notice of the family see this Magazine, V, 256–258.

¹⁷ The compiler of the Randolph MS has evidently copied his originals badly here. This entry plainly contains two orders having no connection with each other. One is in regard to a library given to the Bishop of London (in regard to which there seems, unfortunately, to be no other information), and the other refers to slaves of Nicholas Meriwether.

be brought to a Speedy Tryal or if it was committed in Maryland that they should be sent thither by Letter 6 April, 1690.

June 3, 1690. Colo. Nicholson sworn Lieut. Governor, his Commission bearing date, November 14, 1689.

L. Governor communicates to the Council another Petition of Davis and others for their Money &c. their Petition Lord Howard's Order for the sending home this Money &c. In Order to its being deliver'd to Sir Robert Holmes. Ordered that the same be sent home accordingly except 300^l reserved for the Payment of their Debts.

June 4. Lord Bishop of London's Commission to Commissary Blair¹⁸ laid before the Council for which they return their thanks for appointing so worthy a Person and acquaint his Lordship the Commission can't be Executed without some Expence.

Council apply to his Majesty to Purchase the Northern Neck Grant, and to order that all Officers of the Government may reside in the Colony.

June 5. Robert Thomas Ordered to be taken into Custody till he give Bond not to trade or have any Correspondence with the Indians.

July 25. The Governor supplicate the King and Queen for leave to seat the uninhabited Parts of this Country reserving to the Indians such Proportion of Lands as they shall declare themselves satisfied with.

July 26. The Council Supplicate the King that no grant be confirmed to the Proprietors of North Carolina beyond the latitude of 36.

August 16. Several Persons escaped from Barbadoes apprehended here and Committed by the Council till they give Bond for their Appearance here when called for and not to depart the Country till the Matter is further inquired into.

The Government being informed by the Government of

¹⁸ Rev. James Blair, D. D., chief founder and first president of William and Mary College. For his work as Commissary see Meade's *Old Churches and Families of Virginia*, I, 157-165.

Maryland that one Capt. Rich'd Hill had uttered several treasonable Words against the King and raised forces to oppose his Government and was in the Fleet then bound to England and Ordered that he be called for and give Security to render himself to the Secretary of State to answer such things as should be objected against him.

Ordered that none of the Sherifs Order any precept of Colo. Philip Ludwell as Agent of the Heirs of the late Lord Culpeper, and direct Secretary Cole to Write to the Board of trade to acquaint them of Colo. Ludwell's proceedings in his Agency of the Northern Neck and of his appointing an Officer, called a Ranger General with divers unusuall Powers to take up Horses, Cattle &c. and of his granting Lands as Escheat altho' they were not found to Escheat by any of the King's Escheators nor was there any Court Baron erected whereby it may be found to Escheat.

Council propose a Post Office to be Erected.

They represent the Case of the Northern Neck Charters and that it will be for his Majesty's service to grant the Lands there.

(TO BE CONTINUED)